

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PRODIGY DISC, INC.,

Plaintiff,

V.

**G.B., a Minor, by and through
Michelle Nesheim, his Legal
Guardian,**

Defendant.

CIVIL ACTION

FILE NO.

JURY TRIAL DEMANDED

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION, AND A HEARING**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Local Rules 65.1 and 65.2, and other applicable law, Plaintiff PRODIGY DISC, INC. (“PDI”) respectfully requests that the Court enter a temporary restraining order and preliminary injunction against Defendant G.B. (“G.B.”).¹ PDI further requests that the Court waive Local Rule 7.1’s time requirements and grant the relief requested herein or hold an expedited hearing on this Motion as soon as possible, as PDI faces

¹ Although G.B. is a public figure, PDI is redacting his name in accordance with the Court's Local Rules. *See* L.R. App. H § (I)(1).

the prospect of irreparable, incalculable, and irreversible harm *as soon as tomorrow*, February 16, 2023.

To preserve the status quo, PDI seeks a temporary restraining order and preliminary injunction ordering G.B. to comply with his contractual obligations to PDI and prohibiting G.B. from (1) granting the Athlete Endorsement, as that term is defined in the Endorsement Agreement, or any endorsement similar thereto, to any other person or entity that is a competitor of PDI or works in the disc golf industry during the term of the Endorsement Agreement, which runs through December 31, 2023 and (2) promoting, endorsing, or advertising any products manufactured by PDI's competitors that compete with the products manufactured, imported, and/or distributed by PDI and its affiliates during the term of the Endorsement Agreement, which runs through December 31, 2023.

The grounds for PDI's Motion are more fully set forth in the Memorandum in Support filed herewith and are supported by, *inter alia*, the Declaration of Mark Anderson, PDI's Chief Executive Officer, filed herewith.

Respectfully submitted, this 15th day of February, 2023.

[signatures on following page]

/s/ William C. Collins, Jr.

William C. Collins, Jr.

Georgia Bar No. 178847

wcollins@burr.com

Joseph H. Stuhrenberg

Georgia Bar No. 398537

jstuhrenberg@burr.com

*Counsel for Plaintiff PRODIGY
DISC, INC.*

BURR & FORMAN LLP
171 Seventeenth Street, NW
Suite 1100
Atlanta, Georgia 30363
Telephone: (404) 815-3000
Facsimile: (404) 817-3244

CERTIFICATION OF COUNSEL

I hereby certify that the foregoing **PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND A HEARING** has been prepared with Times New Roman, 14-point font, one of the font and point selections approved by the Court in LR 5.1(C).

/s/ William C. Collins, Jr.

William C. Collins, Jr.

Georgia Bar No. 178847

wcollins@burr.com

*Counsel for Plaintiff PRODIGY
DISC, INC.*

BURR & FORMAN LLP
171 Seventeenth Street, NW
Suite 1100
Atlanta, Georgia 30363
Telephone: (404) 815-3000
Facsimile: (404) 817-3244

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of February, 2023, I electronically filed the foregoing **PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND A HEARING** with the Clerk of Court using the CM/ECF system and have served a copy of same on Defendant’s representative, listed below, via electronic mail and the United States Postal Service, postage prepaid, addressed as follows:

Bryan W. Gort
PARKER MACINTYRE
2987 Clairmont Road
Suite 200
Atlanta, Georgia 30329
bgort@parkmac.com

/s/ William C. Collins, Jr.
William C. Collins, Jr.
Georgia Bar No. 178847
wcollins@burr.com

*Counsel for Plaintiff PRODIGY
DISC, INC.*

BURR & FORMAN LLP
171 Seventeenth Street, NW
Suite 1100
Atlanta, Georgia 30363
Telephone: (404) 815-3000
Facsimile: (404) 817-3244